



DEFENSE FINANCE AND ACCOUNTING SERVICE

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NOV 27 1996

DFAS-HQ/FMM

MEMORANDUM FOR DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
- CLEVELAND CENTER
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
- DENVER CENTER
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
- INDIANAPOLIS CENTER
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
- KANSAS CITY CENTER

SUBJECT: Change to the Department of Defense Financial
Management Regulation, Volume 7A, (DoDFMR, Vol. 7A), on
Family Separation Allowance for Married Members,
(DFAS Item F-73)

Attached is DFAS Interim Change Number 55-96 to Chapter 27
of the DoDFMR, Volume 7A (version effective July 1996). The
change is effective September 23, 1996.

The purpose of this change is to incorporate provisions of
the Department of Defense FY97 Authorization Act which permits
entitlement to Family Separation Allowance Type II (FSA-II) for
military members married to military members with no other
dependents. Although the wording in the Act would seem to allow
different criteria for member to member FSA-II, the DoD General
Counsel has indicated that it is reasonable to establish
implementation rules so as not to give these members a greater
entitlement than other members with non military dependents.

We have evaluated your comments on the draft change to the
DoDFMR, Volume 7A. The attached final version of the change
includes your comments where appropriate. Assignment of an
interim change number is your authority to start a procedural
modification to facilitate this change. For the Denver Center,
use the attached to initiate the formal printed change to the
DoDFMR and the interim change message.

Our point of contact, Mr. Gary McGee, may be contacted at
DSN 332-5280 or Commercial (703) 602-5280. Our Fax number is
DSN 332-5271 or Commercial (703) 602-5271.

Roger W. Searce
Brigadier General, USA
Deputy Director for Finance

Attachment:
As stated

cc: DASD (MPP) Comp
ODGC (F)
DFAS-DE/DG
Service Liaisons
USCG/NOAA/PHS Liaisons
DJMS Project Office

FAMILY SEPARATION ALLOWANCE FOR MARRIED MEMBERS

NOTE: The paragraph numbers listed are applicable to the July 1996 version of the DoDFMR Volume 7.

1. Replace the entirety of subparagraph 270102A with the following:

"A. Dependents. The term "dependents" has the same meaning as defined in the Definitions and is categorized below:

1. Primary - spouse or children,
2. Secondary - parents.

NOTE: Generally, a member of a uniformed service may not be paid an allowance (including FSA) for a dependent during any period for which the dependent is entitled to active duty basic pay. However, this does not apply to bar an entitlement to FSA-II to a couple comprised of a member married to another member with no other dependents. Such couple is entitled to FSA-II under the conditions of this chapter. The couple is not entitled to FSA-I."

2. Add a new subparagraph 270104D as follows:

"D. Member Married to Member Couples. Effective 23 September 1996, a couple comprised of a member married to another member with no other dependents is entitled to FSA-II under the same general conditions as members with non active duty dependents, provided the couple was residing together immediately before being separated by reason of execution of military orders.

1. Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each may be entitled to FSA-II within the same month, but both cannot be simultaneously entitled. Payment will be made to the member whose orders resulted in the separation. If both members receive orders requiring departure on the same day, then payment will go to the senior member.

2. If a member meets the requirements for credit of FSA-II, but entitlement is precluded by an existing entitlement status of the spouse, then the second member may, if still qualified, become immediately entitled to FSA-II upon termination of the spouse's status. The couple may qualify for sequential entitlements to FSA-II provided military orders keep them continuously separated.

3. In order to qualify for a subsequent entitlement to FSA-II, a married member couple, no longer separated by reason of military orders, must reestablish a joint household and reside together."

3. Make the following changes to Table 27-3:

a. Delete Rule 20.

b. Renumber Rules 21 and 22 as Rules 20 and 21, respectively.

c. Add a new Rule 22 as follows:

(1) Under column A, "meets the qualifying requirements of any of the rules 1 through 21";

(2) Under column B, "member's only dependent is a spouse on active duty";

(3) Under column C, "the couple were residing together immediately before being separated by reason of military orders";

(4) Under column D, "member is entitled to FSA-II under the specific rule (note 7)".

d. Add a new note numbered 7, to read, "Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each may be entitled to FSA-II within the same month, but both cannot be simultaneously entitled. Payment will be made to the member whose orders resulted in the separation".

4. Change title of paragraph 270306 to "Member Married to Member with Dependent Child(ren)."

5. Revise the Bibliography as follows:

a. Under paragraph 270102A insert the additional citations "37 U.S.C. 421" and "Public Law 104-201, Section 607, 23 Sep 1996".

b. Add the following paragraph and citation:

270104D Public Law 104-201, Section 607,
23 Sep 1996

c. For Table 27-3, insert the citation "37 U.S.C. 427".

d. Under Table 27-3, delete references to and citations for Rule 20 and Rules 21, 22.